



Office of the Attorney General
State of Texas

DAN MORALES

ATTORNEY GENERAL

June 29, 1993

Sergeant Jeffrey T. Butters
McKinney Police Department
City of McKinney
P. O. Box 517
McKinney, Texas 75069

OR93-355

Dear Sergeant Butters:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19687.

The City of McKinney Police Department (the "department") has received a request for a field sketch from the closed investigative file of an auto accident. You contend the information is excepted from public disclosure under section 3(a)(8) of the Open Records Act.

Section 3(a)(8) excepts

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

After a file has been closed, either by prosecution or by administrative decision, the availability of section 3(a)(8) is greatly restricted. Open Records Decision No. 320 (1982). The test for determining whether information regarding closed investigations is excepted from public disclosure under section 3(a)(8) is whether release of the records would unduly interfere with the prevention of crime and the enforcement of the law. Open Records Decision No. 553 (1990) at 4 (and cases cited therein). A governmental body claiming the "law enforcement" exception must reasonably explain how and why release of the requested information would unduly interfere with law enforcement and crime prevention. Open Records Decision No. 434 (1986) at 2-3.

You do not claim the requested information will unduly interfere with law enforcement and crime prevention nor does the sketch support such a conclusion on its face. Accordingly, you may not withhold the requested information under section 3(a)(8) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Mary R. Crouter
Assistant Attorney General
Opinion Committee

MRC/LBC/jmn

Ref.: ID# 19687
ID# 19978

Enclosures: Marked documents

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